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## NOTICE OF ALLOWANCE AND FEE(S) DUE

09629 7590 02/24/2006  
MORGAN LEWIS & BOCKIUS LLP  
1111 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20004

EXAMINER	
FELTEN, DANIEL S	
ART UNIT	PAPER NUMBER

3624  
DATE MAILED: 02/24/2006

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/417,774	10/14/1999	JOHN M. MARYNOWSKI	048289-5002	7919
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TITLE OF INVENTION: AUTOMATED TRADING SYSTEM IN AN ELECTRONIC TRADING EXCHANGE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$0	\$700	05/24/2006

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
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**or Fax (571)-273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

09629 7590 02/24/2006  
**MORGAN LEWIS & BOCKIUS LLP**  
**1111 PENNSYLVANIA AVENUE NW**  
**WASHINGTON, DC 20004**

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/417,774	10/14/1999	JOHN M. MARYNOWSKI	048289-5002	7919

**TITLE OF INVENTION: AUTOMATED TRADING SYSTEM IN AN ELECTRONIC TRADING EXCHANGE**

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$0	\$700	05/24/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
FELTEN, DANIEL S	3624	705-037000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).  
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list  
 (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_  
 3 \_\_\_\_\_

## **3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)**

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

## **4a. The following fee(s) are enclosed:**

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

## **4b. Payment of Fee(s):**

- ☐ A check in the amount of the fee(s) is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

## **5. Change in Entity Status (from status indicated above)**

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.  
 NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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EXAMINER FELTEN, DANIEL S				
ART UNIT		PAPER NUMBER		
3624				
DATE MAILED: 02/24/2006				

## Determination of Patent Term Extension under 35 U.S.C. 154 (b) (application filed after June 7, 1995 but prior to May 29, 2000)

The Patent Term Extension is 0 day(s). Any patent to issue from the above-identified application will include an indication of the 0 day extension on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Extension is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

# Notice of Allowability

Application No.

09/417,774

Examiner

Daniel S. Felten

Applicant(s)

MARYNOWSKI ET AL.

Art Unit

3624

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to May 23, 2003.
2. ☒ The allowed claim(s) is/are 1-46.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Ex. Daniel Felten  
AU 3624  
Business Methods

## DETAILED ACTION

### *Allowable Subject Matter*

1. Upon further consideration of the prior art in view of the claim language and arguments presented in the May 23, 2003 amendment, claims 1-46 are allowed.

2. The following is an examiner's statement of reasons for allowance: The closest prior art found on record is Kane (US 6,317,728). Kane discloses a data acquisition system having an input communicating with a securities exchange for securities buy/sell data; a decision logic having a repository for storing a set of buy/sell *rules* for buying and selling securities in response to buy and sell data aligned with clock times; a buy and sell execution system having an input communicating with the decision logic for executing buy and sell orders *in conformance to buy and sell rules*. The decision logic includes at least one decision agent, the agent representing a respective buy/sell rule. Artificial intelligence is provided in that the decision agents are given added or reduced voting power when recommendations are found to respectively result in successful or unsuccessful decisions (see Kane Abstract; column 2, line 51 to column 3, line 62; and column 5, lines 37 to column 6, line 4).

*Re claim 1:* Conversely, the applicant claims a data reference logic that outputs a *transaction value* for the first traded item from a data structure based upon price information for a second traded item related to the first traded item; and a decision logic using at least a portion of the received market price information and the *transaction value* to generate a decision whether to submit an order for the first traded item. There is no teaching or suggestion of Kane having a decision logic that uses a portion of the received market price information and the *transaction value* to generate a decision whether to submit an order for the first traded item.

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*Re claim 27:* By contrast, the applicant claims generating an order for one of the first traded item and the second traded item based upon comparison of the received market price information to the desired price, where the identifying a desired price for the first traded item is *in a look-up table* based on price information for the second traded item. Kane does not suggest a identifying a desired price for the first traded item is *in a look-up table* based on price information for the second traded item.

*Re claim 32:* Kane discloses a processing logic\which assigns clock times to the buy/sell data (see Kane Abstract). There is no suggestion in Kane of submitting an order for an option to the exchange within 1 millisecond of receiving a current market price for an option from an exchange.

*Re claim 36:* By contrast, the applicant discloses identifying *a transaction value* for the first traded item *in a look-up table* of transaction values for the first item, wherein the identifying is responsive to receiving the market information for the first traded item and wherein the transaction value in look-up table are based on price information for a second traded item related to the first traded item. Kane, fails to suggest identifying *a transaction value* for the first traded item *in a look-up table* of transaction values for the first item.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patents:

Daughtery, III (US 6,263, 321) Discloses an apparatus and process for calculating an option

Daughtery, III (US 5,884,286) Discloses an apparatus and process for executing an expirationless option transaction

Rickard et al (US 6,016,483) Discloses a method and apparatus for automated opening of options exchange

Cristofich et al (US 6,173,270) Discloses stock option control and exercise system

Pang et al (US 6,546,375) Discloses an apparatus and method of pricing financial derivatives

Kalmus et al (US 4,674,044) Discloses an automated securities trading system

Kramer (US 5,038,284) Discloses a method and apparatus relating to conducting trading transactions with portable trading stations

Furuya et al (US 5,870,730) Discloses decision-making method

Wagner (US 4,903,201) Discloses automated futures trading exchange

Tanaka et al (US 5,315,634) Discloses Automatic trading method and apparatus

Braddock III, (US 4,412, 287) Discloses an automated stock exchange

Adams (US 3,573,747) Discloses Instinet communication system for effectuating the sale or exchange of fungible properties between subscribers

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Lupien et al (US 5,101,353) Discloses automated system for providing liquidity to securities markets

Makivic (US 6,061,662) Discloses simulation method and system for the valuation of derivative financial instruments

Gardner (US 6,058,391) Discloses enhance user view/update capability for managing data from relational tables

Galant ( US, 6,839,686) Discloses a method and system for providing financial information and evaluating securities of a financial debt instrument

Moseler et al (US 6,304,858) Discloses a method, system and computer program for trading interest rate swaps

Freeny, Jr. (US 6,594,643) Discloses automatic stock trading system

Non-Patented Literature:

Web-POP (Professional Options Package)

Barone-Adesi, G. and Whaley, R., "Efficient Analytic Approximation of American Option Values", *The Journal of Finance*, Vol. 42, No. 2 (June 1987), pg. 301-320

Foreign Patents:

Holt, K., (WO 97/37735) discloses a sporting event options market trading game

Ginsberg, Philip., (EP 0573, 991) discloses fixed income portfolio data processor and method for using the same

Belden, G., et al (WO 90/10910) discloses a simulated pit trading system



Art Unit: 3624

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Felten whose telephone number is (571) 272-6742.

The examiner can normally be reached on Flex.

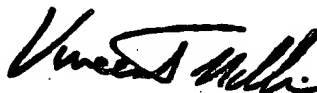
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DSF  
February 23, 2006

Daniel S Felten  
Examiner  
Art Unit 3624



VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600